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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF.
5HW-13

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: SWS Silicone Corporation
Facility Location: Sutton Road
Adrian, MI
U.S. EPA ID #MID 075 400 671

Dear Sir/Madam:

On September 10, 1984, the United States Environmental Protection Agency (U.S. EPA), Region V issued a Resource Conservation and Recovery Act (RCRA) hazardous waste management permit for the above-referenced facility.

This letter includes the Response to Comments, generated as a result of the public notice for the draft permit (Enclosure (1)). This response was prepared under 40 CFR 124.17(a) which requires the U.S. EPA to issue a response to comments at the time that any final permit decision is issued by the U.S. EPA, pursuant to 40 CFR 124.15.

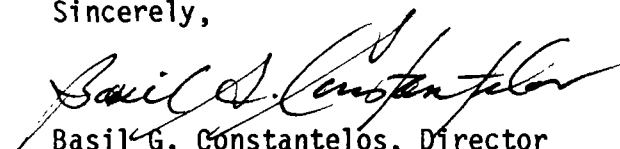
I have made the final decision to issue a RCRA hazardous waste management facility permit to SWS Silcones Corporation for its facility in Adrian, Michigan. Unless review is requested under 40 CFR 124.19, within 30 days after service of notice, this permit shall become a final Agency action (Enclosure(2)).

The petition for review should be addressed to the Administrator of this Agency, but mailed to the attention of the Judicial Officer, in the following manner:

Mr. William Ruckelshaus
Administrator, U. S. EPA
Attn: Ronald McCallum (A-101)
Judicial Officer
401 M. Street, S.W.
Washington, D.C. 20460

On behalf of U.S. EPA, I wish to thank you for your interest in the draft permit for SWS Silicones Corporation.

Sincerely,


Basil G. Constantelos, Director
Waste Management Division

Enclosures

cc: Pete Quackenbush, MDNR

DATE:

RESPONSE TO COMMENTS REGARDING THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT TO BE ISSUED TO SWS SILICONES CORPORATION, ADRIAN, MICHIGAN.

INTRODUCTION

This response is issued pursuant to 40 Code of Federal Regulations (CFR) Section 124.17, which requires that any changes of draft permit conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in this response be included in the administrative record.

The public comment period commenced June 6, 1984, with public notice in the Adrian Chronicle Daily Telegram, as well as radio announcements on two local stations. The notice and announcements requested public comments on the draft RCRA permit for SWS Silicones Corporation (SWS). SWS provided the only significant comments.

COMMENTS AND RESPONSES

COMMENT:

SWS indicated that although it was implied in Part B of its Hazardous Waste Permit Application that the maximum inventory of drums in storage is not expected to exceed 300 drums, SWS actually intended to be permitted for storage of 800 drums of hazardous waste. The chain of events leading to this misunderstanding have been documented in SWS' administrative record. The United States Environmental Protection Agency (U.S. EPA) used the 300 figure for container storage in its draft permit believing that SWS had proposed to stay within this limit even though technically under 40 CFR 264.175, and 270.13 they could manage a maximum of 800. SWS requested in light of the circumstances that since its Closure Plan only accounts for removal of a maximum of 500 drums from the storage area, the maximum container storage capacity be increased from 300 to 500.

RESPONSE:

Based on inspections of the container storage area, and upon technical review of SWS Part B materials relating to the storage area, U.S. EPA believes that SWS has the capability of storing 500 containers of hazardous waste without added threat to human health or the environment.

COMMENT:

SWS stated that the U.S. EPA had been too restrictive in specifying a U.S. Department of Transportation (U.S. DOT) container classification code for storage of certain hazardous wastes. A more general criterion should be substituted, with the exception of containers used to store HCR Vent and Cyclizer hazardous waste for which a U.S. DOT No. 17H designation is necessary.

RESPONSE:

The U.S. EPA believes that the criteria denoted in 40 CFR 264.172 should be followed in permitting container storage areas, except where the compatibility of waste with containers is of environmental consequence. In instances where hazardous wastes are not compatible with containers used for storage, specific standards indicating the preferred U.S. DOT container designations should be cited. This being the case in the matter of SWS' RCRA permit, U.S. DOT designations have been deleted for all hazardous waste storage, except to clarify the type of containers which corrosive HCR Vent and Cyclizer hazardous wastes may be stored in.

COMMENT:

SWS pointed out that two errors appeared in the Statement of Basis. One of these was a typographical error. The second was an incorrect reference to "OH - endblocked silicone fluid."

RESPONSE:

The U.S. EPA acknowledges the two errors, but they do not pertain to the RCRA permit conditions or attachments. Since the Statement of Basis serves as an informational document, and is of no further utility, the proposed changes have not been made.

COMMENT:

SWS noted a typographical error present in Section III of the draft permit.

RESPONSE:

The typographical error has been corrected.

COMMENT:

SWS pointed out that 3 pages which were included in the Closure Plan should not be incorporated into Attachment 5, because they were outdated closure cost estimates.

RESPONSE:

U.S. EPA has elected to retain only the current estimated cost of closure in the RCRA permit, and pages reflecting outdated costs have been deleted from the permit.

DETERMINATION

The U.S. EPA has determined that some permit conditions should be revised and/or clarified, in order to make the permit more specific. The following table lists the permit conditions that have been changed, and the changes which have been made.

PERMIT CONDITION

CHANGE

I.D.3

A sentence was added to this condition indicating that, "The duration of this permit shall be ten years from the effective date of the permit in conformance with the provisions of 40 CFR 270.50."

II.K.1

A sentence was added to this condition indicating that, "The Permittee's closure cost estimate, prepared in accordance with 40 CFR 264.142(a), is specified in Attachment 5."

III.A

Corrected a typographical error by changing waste type description for F002 hazardous waste from "Spend" to "Spent halogenated solvents."

Changed maximum quantity of 55-gallon drums to be held in the container storage area from 300 to 500.

III.C

Deleted second sentence wherein low carbon steel containers meeting U.S. DOT specification NO. 17E were specified for storage of certain hazardous wastes.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: August 1, 1984
SUBJECT: Close of Public Comment Period
SWS Silicones Corporation ID# MID075400671
FROM: Mike Ohm, RAIU *MMO*
TO: Allen Debus, STU# 3

The public comment period for SWS Silicones Corporation closed as of July 23, 1984. I have waited until today to notify you of any comments because we are required to give any mailings seven working days to reach the agency. Any comments must be postmarked before, or on the last day of the public comment period. For your records and the facility file, three comments have been received for the above facility before, or on the last day of the required comment period. However, of the three comments, all three supported the permit issuance, and none of the three made a formal hearing request.

137-53

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE



LANSING

MICHIGAN 48918

MICHIGAN HISTORY DIVISION

**ADMINISTRATION, PUBLICATIONS
RESEARCH, AND HISTORIC SITES**

208 N. Capitol Avenue
517-373-0510

STATE ARCHIVES

3405 N. Logan Street
517-373-0512

STATE MUSEUM

208 N. Capitol Avenue
517-373-0515

June 4, 1984

Mr. Karl J. Klepitsch, Jr.
Waste Management Branch
U. S. Environmental Protection
Agency
230 South Dearborn Street
Chicago, IL 60604

Re: ER 7369

Dear Mr. Klepitsch:

The Michigan History Division has reviewed the following project and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places.

Hazardous Waste Storage Facility, SWS Silicones Co.
Sutton Road, Adrian, Lenawee County, Michigan

Should you have any questions or require further assistance, please contact the Environmental Review Coordinator for the Michigan History Division at (517) 373-0510.

Thank you for the opportunity to comment and for your cooperation.

Sincerely,

Martha M. Bigelow
Director, Michigan History Division
and
State Historic Preservation Officer

A handwritten signature in cursive script, reading 'Kathryn B. Eckert'.

BY: Kathryn B. Eckert
Deputy State Historic Preservation Officer

MMB:KBE:mmm

WASTE MANAGEMENT
BRANCH

RECEIVED
JUN 07 1984

MAY 22 1984

Ms. Julie Fosbender
Adrian Public Library
141 E. Maumee St.
Adrian, Michigan 49221

Dear Ms. Fosbender:

Per our telephone conversation on May 18, 1984, regarding the intention by the U.S. Environmental Protection Agency *(U.S. EPA), Region V to issue a hazardous waste permit to SWS Silicones Corporation *(SWS) in Adrian, Michigan, the following items have been enclosed:

- A copy of the SWS permit application
- A copy of the U.S. EPA Region V draft permit for SWS
- A copy of the U.S. EPA Region V SWS draft permit Statement of Basis
- A copy of the Public Notice to be published in the Daily Telegram June 6, 1984, advising the availability of these materials in the Adrian Public Library
- A copy of the U.S. EPA regulations on comment and appeal procedures

Thank you for your assistance in making these materials available to the public for review.

Please retain the materials on file for public access until further notified. I am enclosing postage and fees paid labels for your return of the documents, and will contact you at that time. Also, please let me know that you have received this material by completing and signing the enclosed verification form. The form should be returned to me in the enclosed self-addressed, postage and fees paid envelope.

Thank you very much for your cooperation in assisting our effort to serve the public.

Sincerely,

Michael Ohm
Environmental Protection Assistant

Enclosures

SHW-13:WMB:RAIU:M.OHM:M.OHM:5/21/84

137-44



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:
5HW-13

MAR 2 1984
Mr. Kenneth A. Rubin
Morgan, Lewis, and Bockius
Counselors at Law
1800 M Street, N.W.
Washington, D.C. 20036

Re: Freedom of Information Act Request
RIN-113-84

Dear Mr. Rubin:

This is in response to your Freedom of Information Act Request dated March 1, 1984. In your letter you requested copies of the Part B applications on the following facilities:

SWS Silicones Corporation
Adrian, Michigan 49221-9355
MID075400671

Dow Chemical U.S.A.
Michigan Division-Midland Plant
Dow Chemical U.S.A. 628 Building
Midland, Michigan 48640
MID000724724

Dow Chemical U.S.A.
Salzburg Landfill
Dow Chemical U.S.A. 628 Building
Midland, Michigan 48640
MID980617435

Dow Corning Corporation
Dow Chemical U.S.A. 628 Building
Midland, Michigan 48640
MID000809632

In your telephone conversation of March 14, 1984, with Mr. Gary Westefer, of my staff, he informed you of the following:

1. The Dow-Corning application will not be available until after the July 15, 1984 due date.
2. The Dow Chemical-Midland Plant application contains Confidential Business Information.
3. He informed you, as per your request, that the cost of the three available applications would exceed \$300.00.

In your conversation with Mr. Westefer, you stated that at this point in time you desired the following items:

1. The entire Part B application for SWS Silicones Corporation
2. The entire Part B application for Dow Chemical U.S.A. Salzburg Landfill
3. Only the general Part B application (Folder 1) for Dow Chemical U.S.A. Midland Plant. You also stated that currently you did not desire any Confidential Business Information regarding this facility.

These items are being sent under separate cover, and include three documents with appendices, totaling 1406 pages.

Also enclosed is a Bill for collection on which the fees for this request have been itemized. Please return the top portion of the billing form with your check or money order in the amount of \$286.20, payable to the United States Environmental Protection Agency, and forward your remittance to the address listed on the billing form. Payment is due within 30 days.

Please contact Mr. Westefer, of my staff, at (312) 886-7450, if you have any questions, or are in need of further assistance.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosures

cc: Michigan Department of Natural Resources
SWS Silicones Corporation
Dow Chemical U.S.A- Michigan Division

bcc: N. Sullivan, OPA
J. Mason, FOS
C. Kacvic, WMD
J. Boyle, STU#3
Files (4)

5HW:WMB:RAIU:WESTEFER:WESTEFER:3/15/84

JUL 13 1984

SHW-13

Mart DiPietro
Public Service Announcements
WABJ-AM
WOTE-FM
121 West Maumee Street
Adrian, Michigan 49221

Dear Mr. DiPietro:

Per our telephone conversation on July 11, 1984, I am enclosing a Public Service Announcement regarding a hazardous waste permit that the United States Environmental Protection Agency (U.S. EPA), Region V, is considering issuing to SWS Silicones Corporation (SWS), Adrian, Michigan. I appreciate your offer to provide information about the SWS draft permit to citizens residing in the area.

Although pertinent facts about the draft permit were provided in the advertisements that the U.S. EPA purchased for broadcast on WABJ-AM and WOTE-FM for June 6, 1984, additional details about the draft permit are included in the enclosed announcement.

Also enclosed are copies of the Statement of Basis, the draft permit, and, the public notice that were published in the Daily Telegram on June 6, 1984.

Section 7004(b)(2) of the Resource Conservation and Recovery Act (RCRA) requires U.S. EPA to broadcast its intention to issue a hazardous waste permit over a local radio station. In order to demonstrate our compliance with this requirement, I would appreciate your completing the enclosed card and returning it to me.

Thank you for your assistance, and please contact me at (312) 886-1657, if you have any questions.

Sincerely,

Michael Ohm
Environmental Protection Assistant

Enclosures

SHW:WMB:RAIU:M.OHM:M.OHM:7/12/84

137-46